

REGULAR CITY COUNCIL MEETING
MARCH 27, 1989

PRESENT

Ruth Hansen
Wesley J. Bloomfield
Gayle Bunker
David Church
Don Dafoe
Rex T. Harris

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery
Richard Waddingham
Neil Forster
Alan Riding
Rita Byrd
Virginia Taylor
H. Doyle Bender
Bryce Ashby
Vincent Crawford
John Keel
Melanie Schena
G. Wade Pierce
Gene Zwaryck
Terry Lisonbee
Mel Gamble
Jason Roper
Steve Lisonbee
Robert Winsor
Peter Lisonbee
Chad Winters
Greg Petersen

City Recorder
City Attorney
Public Works Director
Assistant Public Works Director
Public Works Secretary
Deputy Recorder
City Treasurer
Delta Fire Chief
Utah Power & Light Co.
Insight Cable Television
Insight Cable Television
Insight Cable Television
Central Utah Mental Health
City Resident
Boy Scout
Boy Scout
Boy Scout
Boy Scout
Boy Scout
Boy Scout
Boy Scout

Mayor Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Public Hearing held March 13, 1989, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member David Church MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a regular City Council meeting held March 13, 1989, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Gayle Bunker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a City Council Budget Work Meeting held March 20, 1989, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment as listed in the amount of \$9,124.84. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

OLD BUSINESSROBERT DROUBAY, PLANNING COMMISSION CHAIRMAN: ISSUANCE OF
CONDITIONAL USE PERMIT TO KAYE'S HAIR CARE

Mayor Hansen reported that a Planning Commission meeting has been scheduled for Thursday, March 30, 1989, for the purpose of discussing a Conditional Use Permit for Kaye's Hair Care. This item was tabled until the next regular City Council meeting.

MAYOR RUTH HANSEN: DELTA CITY EMPLOYEE HEALTH INSURANCE FOR
FISCAL YEAR 1989-1990

Mayor Hansen said that the Delta City employees had completed and submitted questionnaires to the Council regarding their preference for health insurance.

The questionnaires were opened but were to be reviewed after the meeting. Mayor Hansen said that adequate revenue information has not yet been received to make a decision regarding employee health insurance for FY 1989-1990. This item was tabled until the next regular City Council meeting.

VINCENT CRAWFORD, UTAH POWER & LIGHT CO.: INFORMATIONAL
REPORT-WAPA

Mayor Hansen asked Vincent Crawford, Utah Power & Light Co. (UP&L) to review with the Council information regarding Western Area Power Administration (WAPA).

Mr. Crawford explained that Western Area Power Administration (WAPA) is the agency that owns and operates the turbans that produce and distribute power out of the Colorado River Storage Project.

He said that approximately 15 years ago WAPA came into existence and decided to sell power. At that time they offered power to a certain amount of municipalities. Private enterprises and private businesses, such as Utah Power & Light, were excluded.

At the time it was due for reallocation, Utah Power & Light appeared before the Delta City Council and asked Delta City and other municipalities and counties to sign with UP&L for an allocation of that power. UP&L submitted the names for an allocation of power but were refused. Shortly after that, UP&L filed a lawsuit and convinced Delta City to enter with UP&L into a lawsuit in order to get an allocation of the power.

The lawsuit involved the following issues:

1. Preference Issue - WAPA's discrimination against private enterprise.
2. WAPA exceeded the statutory authority granted to them by the Federal Government.
3. WAPA did not complete an Environmental Impact Statement.

The lawsuit proceeded and went to the stage of Summary Judgement.

The District Court judge granted Summary Judgement on two of the three issues, ruling that WAPA had not discriminated against municipalities that received power from a public utility and that WAPA had not exceeded their statutory authority.

Utah Power & Light then appealed the decision of the District Court to the Tenth Circuit of Appeals, which appeal is currently pending. During the pendency of the appeal, UP&L and WAPA negotiated a Settlement.

The terms of the settlement will allow UP&L to receive power from the Salt River Project that will be put into the Utah Power & Light system. The power will be phased out over an eight year period and will benefit only irrigation and resident users.

The settlement further requires UP&L to waive it's right to bring suit against WAPA on the three issues heretofore considered by the District Court.

Mr. Crawford requested a resolution to accept the settlement, and to authorize UP&L to decide in their best judgement whether or not to carry on with the appeal.

Following discussion, Council Member David Church MOVED that Attorney Waddingham prepare a resolution as requested by UP&L to be considered at the next regular City Council meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JOHN KEEL, INSIGHT CABLE: REVIEW OF CABLE TELEVISION FRANCHISE AGREEMENT AND DISCUSSION OF PROPOSED RATE INCREASE

Mayor Hansen asked John Keel, Insight Cable Television, to address the Council regarding a proposed rate increase.

Mr. Keel, Technical Manager of Insight Cable Television, and Wade Pierce, former Manager, addressed the Council and gave a brief review and update of Insight Cable Television. He said that the service area has currently expanded and the number of channels has also expanded from 17 to 19 channels.

Mr. Keel explained that the Basic Rate for cable television is being raised from \$12.45 to \$15.45, which reflects a rate increase to users.

Ordinance No. 81-21, which grants a franchise to construct, maintain and operate a cable television system within the City of Delta was briefly reviewed and discussed by the Council. The Council indicated that the ordinance required a public meeting and Council approved prior to rate increase going into effect.

Attorney Richard Waddingham was instructed to review the Federal Ordinance as well as Delta City's ordinance regarding cable television and make recommendations at the next regular City Council meeting.

GENO ZWARYCK, CENTRAL UTAH MENTAL HEALTH: REQUEST FOR SPONSORSHIP TO UNIVERSITY OF UTAH SCHOOL ON ALCOHOLISM AND DRUGS

Mayor Hansen recognized Geno Zwaryck, Central Utah Mental Health, and asked him to address the Council.

Mr. Zwaryck said that each year the University of Utah offers scholarships to people from various cities and counties on a matching fund basis to attend the school, i.e. each City sponsors a person to attend the school, the University of Utah will match funds to allow another person from our area to attend. He said that the total cost person for the school this year is \$250.00 plus an additional \$60.00 for meals.

Dorothy Jeffery suggested that, since the school is sponsored from funds received from Alcohol and Drug Enforcement Programs, Chief Roger Young be contacted to see what funds are available.

Following brief discussion, Council Member David Church MOVED to table this item until the next regular City Council meeting in order to determine what funds are available. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any questions or comments regarding the motion. There being none, she called for a vote. The motion passed unanimously.

LEONARD HARDY, HARDY'S CONOCO: REQUEST FOR CLASS "A" BEER LICENSE

Mayor Hansen asked Leonard Hardy, Hardy's Conoco to present a request for a Class "A" Beer License to the Council.

City Recorder Dorothy Jeffery said that Chief Roger Young reviewed the application and completed a background check of Leonard and Jeanette Hardy. She said that Chief Young reported that nothing was found which would prohibit either of them from obtaining a license from Delta City. Therefore, Chief Young recommended that a license be granted to Hardy Conoco Service for the sale of beer only.

Following brief discussion, Council Member David Church MOVED that a Class "A" Beer License be granted to Hardy Conoco Service. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: WATER/SEWER ACCOUNT
WRITE-OFFS

Mayor Hansen asked Public Works Director Neil Forster to discuss with the Council a list of uncollectable utility accounts.

Neil Forster presented a list of eight uncollectable utility accounts, which amount to \$808.47. Mr. Forster said that some of the people on the list have moved out of Delta City and can no longer be reached by mail, others have taken out bankruptcy; therefore, the accounts cannot be collected. Mr. Forster recommended that the accounts as listed be written off the books.

Following brief discussion, Council Member David Church MOVED to write off the list of utility accounts in the amount of \$808.47 as uncollectables. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: ORDINANCE ADOPTING ZONE CHANGE FROM
RR TO A10 - MILLARD COUNTY FAIR GROUNDS

Mayor Hansen asked Attorney Richard Waddingham to present a proposed ordinance regarding a zone change from RR to A10.

Attorney Waddingham said that individuals requesting Conditional Use Permits are by-passing Zoning Official Neil Forster and submitting their requests to the Planning Commission.

Mr. Waddingham explained that zoning related requests should first be presented to Neil Forster. Mr. Forster should then make an initial evaluation of the request and make recommendations from that evaluation. Mr. Forster has the option of either rejecting a proposal or favoring it. Following his evaluation, he then presents the criteria to the Planning Commission with a written decision as to why he favors or rejects it. If he does not approve an application, the disgruntled party should request a hearing before the Board of Adjustment.

Attorney Waddingham said that a Conditional Use Permit cannot be issued or an ordinance for a zone change cannot be passed until the procedure in the Zoning Ordinance has been complied with.

Mr. Waddingham said he and Mr. Forster have scheduled a meeting during the week to further discuss zoning procedures.

This item was tabled until the next regular City Council meeting.

MAYOR RUTH HANSEN: DELTA CITY'S ANNUAL SPRING CLEAN-UP

Mayor Hansen recommended that the City oversee and advertise the Annual Spring Clean-Up. She suggested that a date be set during April for the Clean-Up and that the Public Works Department have their equipment available to pick up and haul refuse from the streets.

Mr. Forster recommended that Clean-Up be scheduled so the Public Works crew can pick up during working hours.

This item was tabled until the next regular City Council meeting to allow time to determine the dates for the Spring Clean-Up.

CITY RECORDER DOROTHY JEFFERY: 1989 PAST DUE BUSINESS LICENSES

Mayor Hansen asked City Recorder Dorothy Jeffery to discuss with the Council a list of past due business licenses for 1989.

Dorothy Jeffery reviewed with the Council a list of past due business licenses for 1989 and said that a letter has been sent to each business on the list in an effort to collect their business license fees.

CITY RECORDER DOROTHY JEFFERY: NON-RESIDENT CONTRACTORS BUSINESS LICENSE

Mayor Hansen asked City Recorder Dorothy Jeffery to discuss with the Council business license requirements for Non-resident contractors.

Dorothy Jeffery reviewed with the Council a "Utah Construction Trades Licensing Act 1989" S. B. No. 186, Section 6. wherein Section 58-55-6, Utah Code Annotated 1953, is enacted to read:

58-55-6. (1) Any person engaged in the construction trades licensed under this chapter, or as a contractor regulated under this chapter, must apply for and be licensed under this chapter before engaging in that trade or contracting activity in this state unless specifically exempted from licensure under this section. The license issued under this chapter and the business license issued by the local jurisdiction in which the license has its principal place of business shall be the only licenses required for the licensee to engage in a construction trade or as a contractor within the state. The state or any political subdivision of the state shall not require any additional licenses of a licensee to engage in any activity regulated under this chapter.

Therefore, Delta City can no longer charge non-City resident contractors a business license. However, Dorothy Jeffery recommended that non-resident contractors be required to register at the City Office and show proof of State Contractor's License when they are conducting business within Delta City. The Council concurred.

Attorney Waddingham was instructed to further review the Utah Construction Trades Licensing Act 1989 and report at the next regular City Council meeting.

ATTORNEY RICHARD WADDINGHAM: RECONSIDERATION OF DECEMBER 12, 1988 MINUTES

Mayor Hansen asked Attorney Waddingham to discuss with the Council minutes of a regular City Council meeting held December 12, 1988.

Attorney Waddingham presented an amendment to the minutes of a regular City Council meeting held December 12, 1988, Pg. 3, Para. 3 regarding a Business License of Arvella Searle, dba The Wagon Wheel.

The Council reviewed the minutes, after which Council Member David Church MOVED that the December 12, 1988, minutes be approved as presented by Attorney Waddingham. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

OTHER BUSINESS


Attorney Richard Waddingham said that he contacted Attorney LeRay Jackson regarding the feasibility of the Millard County Fire District paying for fireworks for the 4th of July. Mr. Jackson said that he did not foresee any problems if the Fire District agrees.

Council Member Rex Harris recommended that Fire Chief Bryce Ashby receive a salary increase from \$425/Mo. to \$500/Mo. This item was tabled until the next regular City Council meeting.

Mayor Hansen asked if there were any further comments, questions or items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being

none, she called for a vote. The motion passed unanimously. Mayor Hansen declared the meeting adjourned at 8:30 p.m.


RUTH HANSEN, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 4-10-89